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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

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CONTINENTAL D.I.A. DIAMOND  
PRODUCTS, INC., a California corporation,

Case No. CV 08-2136 SI

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Plaintiff,

**THIRD JOINT STIPULATION AND  
[PROPOSED] ORDER FOR  
MODIFICATION OF CASE  
MANAGEMENT SCHEDULE AND  
TRIAL DATE**

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DONG YOUNG DIAMOND INDUSTRIAL  
CO., LTD., a South Korean company,  
DONGSOO LEE, an individual, and DOES 1-  
10, inclusive,

Judge: Honorable Susan Illston

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Defendants.

Complaint Filed: April 24, 2008  
Trial Date: April 19, 2010

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AND RELATED COUNTERCLAIMS.

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**STIPULATION**

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WHEREAS, Continental D.I.A. Diamond Products, Inc. ("Continental" or "Plaintiff") and Defendants Dong Young Diamond Industrial Co., Ltd. and DongSoo Lee (collectively "Defendants") continue to engage in settlement discussions, which respective counsel believe will lead to a final resolution of this matter;

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WHEREAS, the parties have made additional progress in such settlement discussions and have taken steps to assure settlement once reached will be effected;

WHEREAS, the parties are diligently working to reach a settlement, however, given the complicated nature of some of the intellectual property at issue and due to the continuing time-zone and communication challenges faced by counsel for Defendants, the parties require additional time;

WHEREAS, counsel for the parties believe that an additional forty-five (45) day suspension of applicable deadlines in this case will allow the parties and counsel to continue to devote their attention and resources to a final resolution of this matter, and

WHEREAS, the agreed upon extension of the fact and expert discovery deadlines, dispositive motion deadlines and the trial date is not for the purpose of delay, and the parties believe that this reasonable extension of time may well obviate the need for trial in this matter, and is in the interests of fairness and judicial economy.

ACCORDINGLY, the parties, by and through their undersigned counsel, HEREBY  
STIPULATE as follows:

In order to avoid prejudicing the parties' discovery efforts and trial preparations, and to allow the parties to focus on settlement negotiations, the parties agree and respectfully request that the current pre-trial schedule be modified as follows:

1. The fact discovery cut-off, which is currently set for December 7, 2009, is extended to January 21, 2010;

2. The deadline to designate experts, which is currently set for January 13, 2010, is extended to March 1, 2010;

3. The deadline to designate rebuttal experts, which is currently set for February 8, 2010, is extended to March 25, 2010; and

4. The expert discovery cut-off, which is currently February 24, 2010, is extended to April 12, 2010.

5. The dates for dispositive motions is extended for thirty days, to the following schedule:

- Dispositive Motions Due: February 15, 2010
  - Oppositions Due: February 25, 2010
  - Replies Due: March 8, 2010

6. The hearing on dispositive motions, which is currently February 15, 2010, is reset for April 2, 2010, or as soon thereafter as the Court's schedule permits.

7. The pretrial conference, which is currently April 6, 2010, is adjourned for forty-five days, to May 17, 2010 or as soon thereafter as the Court's schedule permits.

8. The trial date, which is currently April 19, 2010, is adjourned for forty-five days, to  
June 1,  
~~May 31~~, 2010 or as soon thereafter as the Court's schedule permits.

9. All other deadlines are tolled for 45 days as of the date of this stipulation.

## **IT IS SO STIPULATED BY THE PARTIES.**

Dated: November 2, 2009 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO P.C.

/s/ Jeffrey M. Ratinoff

Attorneys for Plaintiff/Counter-Defendant,  
Continental D.I.A. Diamond Products, Inc.

Dated: November 2, 2009 PRETI FLAHERTY BELIVEAU & PACHIOS, LLP

/s/ Alfred C. Frawley  
By: ALFRED C. FRAWLEY

Attorneys for Defendants/Counterclaimants,  
Dong Young Diamond Industrial Co., Ltd., and DongSoo Lee

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated:

Susan Illston

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THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT COURT JUDGE